

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Headquarters – 1420 East 6th Avenue
Helena, MT

OCTOBER 16, 2008

Commission Members Present: Shane Colton, Vice-Chairman; Dan Vermillion; Willie Doll.

Fish, Wildlife & Parks Staff Present: Director Jeff Hagener and FWP Staff.

Guests: See October 16, 2008 Commission file folder for those who signed in.

Topics of Discussion:

- 1. Call to Order - Pledge of Allegiance**
- 2. Approval of Commission Meeting Minutes of September 25, 2008**
- 3. Approval of Commission Expenses through September, 2008**
- 4. 2009 Commission Meeting Schedule – Tentative**
- 5. 2009 Fishing Regulation Changes – Final**
- 6. 2008-2009 Region 3 Elk Game Damage Permit Adjustment – Final**
- 7. Swimming Woman Creek Habitat Acquisition in Golden Valley Co. - Endorsement**
- 8. Parks Biennial Fee Rule – Tentative**
- 9. Smith River Special Use Area Rule - Tentative**
- 10. Commercial Use Permit Fee Rule – Tentative**
- 11. Sun River / Lewis Land Acquisition Fishing Access Site - Final**
- 12. High Road FAS Replacement Site on the Big Hole River - Endorsement**
- 13. Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. Opening - Pledge of Allegiance. Vice-Chairman Colton called the meeting to order at 8:10 a.m. and led the Pledge of Allegiance.

2. Approval of September 25, 2008 Commission Meeting Minutes.

Action: Vermillion moved and Doll seconded the motion to approve the September 25, 2008 meeting minutes. Motion carried.

3. Approval of the September, 2008 Commission Expense Report.

Action: Vermillion moved and Doll seconded the motion to approve the September expense report as presented. Motion carried.

4. 2009 Commission Meeting Schedule – Tentative. The proposed dates are set for the second Thursday of each month. Director Hagener stated that conference calls are also an option that would aid in efficiency efforts and reduce expenses, and he inquired if the Commission will want to schedule any regional meetings in 2009. Following discussion, it was recommended that the Commission meet in Lewistown in May, and to meet in Hamilton in August. It was also suggested that the Commission hold video-conferenced meetings in January and October, and any other months that may be light in agenda items. The September meeting needs to be re-scheduled to September 3 rather than September 10.

Action: Vermillion moved and Doll seconded the motion to approve the recommended meeting dates, with the amendment to reschedule the September date to September 3, to approve the regional locations discussed, and to approve the video-conferenced meeting dates. Motion carried.

5. 2009 Fishing Regulation Changes – Final. Don Skaar, FWP Fish Management Bureau Chief, stated that twenty-seven public comments were received on the tentative proposals, with only one comment expressing dissatisfaction, and that was regarding the Fish Creek Clark Fork River regulations with the sentiment that the changes to the regulations were unnecessary. FWP amended the regulations to accommodate that comment.

Action: Vermillion moved and Doll seconded the motion to adopt the proposed final regulation changes for the 2009 fishing season.

Vermillion said he is still receiving phone calls from people who are concerned about the way the regulation changes were handled, and about the removal of the catch and release regulations on the Boulder River. He has discussed the situation with FWP staff, and FWP will conduct a survey and monitor the area to assure the data justifies the change of regulations.

Action on Motion: Motion carried.

Doll asked why it is necessary for fifty fish of each species to be sent in for testing when reservoir levels become low and fish must be moved from one pond to another in the same area. It is not cost effective, and it takes a lot of time. When are they not required to do that? Why is it necessary?

Chris Hunter, FWP Fisheries Division Administrator, replied that this process was established when whirling disease was discovered in Montana and FWP was moving fish around the state. It wasn't wise to move them without conducting fish health tests, as it could mean diseases could be transferred at the same time, as well as zebra mussels, etc. Up until recently, this practice has been implemented only in salmonid waters, but the more that is learned about warm water fish diseases and the aquatic nuisance species that have been introduced into Montana, FWP has expanded the policy to encompass the entire state. FWP is working to make it as reasonable a process as possible. Ponds will be certified clean on an annual basis. It is a conservative approach that has proven to be effective.

6. 2008-2009 Region 3 Elk Game Damage Permit Adjustment – Final. Quentin Kujala, FWP Wildlife Division Management Bureau Chief, explained that this Region 3 increase is to adjust the annual game damage quota for elk that can be taken through game damage hunts or management seasons. Game damage quotas have been adopted annually for each region for deer, elk and antelope, but these quotas are seldom adjusted because historically they have met game-damage needs. With the addition of management seasons, it became necessary to ensure that quotas accommodate both game-damage hunts and management seasons. Additionally, recent management considerations in Region 3, relative to elk and brucellosis issues near Yellowstone National Park, include the potential for additional elk harvest via management seasons. There are no proposed changes to the tentative proposal.

Action: Vermillion moved and Doll seconded the motion to adopt the final 2008 - 2009 Elk Game Damage Permit Authorization in Region 3 as proposed Motion carried.

7. Swimming Woman Creek Habitat Acquisition in Golden Valley County – Endorsement. Ken McDonald, FWP Wildlife Division Administrator, explained that this 3,027-acre parcel is located approximately forty miles northwest of Roundup in the foothills of the Big Snowy Mountains. Swimming Woman Creek runs the length of the property from north to south. The property includes wetlands, willows, beaver ponds, aspen galleries, coniferous forest ridges, shrub-grassland, snowberry and sagebrush, and native vegetation. Additionally, the potential exists for cutthroat restoration. The property borders the National Forest for six miles along the east and north boundaries, and the road through it is heavily used to access the Lewis and Clark National Forest.

Action: Colton moved and Vermillion seconded the motion to direct Fish, Wildlife & Parks to proceed with due diligence toward the purchase of the 3,027-acre Swimming Woman Creek parcel. Motion carried.

Ray Mule' stated that there is a private inholding within the property with a cabin built on it, so FWP would want to work with the landowners to establish an access to their cabin. The cost of the acquisition is approximately \$4 million.

8. Parks Biennial Fee Rule – Tentative. Joe Maurier, FWP Parks Division Administrator, explained that some minor fee increases have been proposed to the rules. The Parks Division wants to "pay their way" as much as possible as there is no general fund monies, and there is a decline in revenue sources such as the opt-out \$4 vehicle license fee, which has dropped 10%. People tend to not opt to pay the \$4 when they aren't checked for compliance, and some county treasurers tell people not to pay the optional fee if there are no parks located in their area. Maurier said he spoke with the county treasurers at their annual meeting and informed them that fishing access sites are also included in that fee. He stated that on one hand, there are requests for electricity at more of the campsites, and on the other hand, a vocal minority oppose the idea. The amount of use at the sites dictates how long it will take to recoup the money invested in the installation of electricity.

Proposed changes include:

- ✓Increase the non-resident entrance fee from \$2 to \$3 per person
- ✓Increase the fee for the use of electricity at campsites from \$3 to \$5
- ✓Change the non-resident entrance fee from per-person fee to a per-vehicle fee at several parks

- ✓ Increase the rental fee for cabins and yurts from \$40 to \$45 per night
 - ✓ Standardize the camping fee at \$15 at all state park locations
 - ✓ Add three FASs in Region 5 to the Fishing Access Site Camping list
 - ✓ Standardize the rates for meeting rooms statewide
 - ✓ Update the group use shelter list
 - ✓ Standardize the competitive event and organized group fees for the Blackfoot River/Madison River at \$3 per person
 - ✓ Make other miscellaneous wording changes and clarifications throughout the Rule
- Following the 30-day public comment opportunity, the proposed final Biennial Fee Rule will be presented to the Commission at the December 2008 meeting for approval.

Action: Vermillion moved and Doll seconded the motion to adopt the proposed tentative Parks Biennial Fee Rule and direct the Department to issue the Rule for public comment.

Vermillion asked if these increases would be adequate. Maurier replied that they would not, but camping fees can only be raised so high.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

9. Smith River Special Use Area Rule – Tentative. The Smith River Special Use Area Rule is a biennial rule that defines the procedures as to how the Department allocates private and outfitter launches on the River each float season. This rule is subject to Commission approval every two years. Joe Maurier, FWP Parks Division Administrator, stated that the only change proposed to the Smith River Special Use Area Rule is to update the authorized outfitter list, which involves removing one outfitter from the Smith River program and transferring his launches to another outfitter. Following public comment opportunity, the Smith River Special Use Area Rule will be brought back to the Commission in December for final action.

Action: Vermillion moved and Doll seconded the motion to approve the Department's proposal to modify the Smith River Special Use Area Rule as proposed for the next biennium.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

10. Commercial Use Permit Fee Rule – Tentative. Joe Maurier, FWP Parks Division Administrator, stated that the Commission adopted the biennial Commercial Use Permit Fee Rule and the Commercial Use Rule in December of 2006 after extensive public involvement. These rules will have been in place for two years as of December 14, 2008, therefore they now require Commission approval to continue for the next biennium. The *Commercial Use Permit Fee Rule* establishes the fees for commercial use permits, and the *Commercial Use Rule* is an administrative rule that provides direction for authorizing and administering commercial use on FWP land.

Action: Vermillion moved and Doll seconded the motion to approve the FWP Commercial Use Permit Fee Rule as proposed, and direct the Department to solicit public input on this rule and report the results to the Commission at a future meeting.

Chairman Colton asked for public comment.

Robin Cunningham, Fishing Outfitters Association of Montana, said whitewater guides feel the \$100 permit fee is too much money for their operations. He suggested the possibility of creating a separate rule to address this issue.

Vermillion said small fishing guides probably find themselves in the same position as the whitewater guides who conduct only a small amount of floats.

Maurier replied that that was true, but guides can do as many floats as they want, they are not limited.

Action on Motion: Motion carried.

11. Sun River / Lewis Land Acquisition Fishing Access Site – Final. Joe Maurier, FWP Parks Division Administrator, explained that the Lewis Property is located along the Sun River, approximately four miles west of Vaughn and fourteen miles northwest of Great Falls. Fish, Wildlife & Parks proposes to purchase this 164-acre parcel of property, using \$235,000 from the Fishing Access Acquisition Fund and Access Montana funds, to develop a fishing access site on the Sun River. A large portion of the site is a reclaimed gravel pit. The Commission and Land Board approved this proposal in May 2005, but title issues emerged and had to be resolved. Those issues are now resolved. An Environmental Assessment was released for comment in April of 2005. All comments received were in favor of the acquisition.

Action: Vermillion moved and Doll seconded the motion to approve the Department's acquisition of the Lewis property for \$235,000 using Fishing Access Acquisition and Access Montana funds. Motion carried.

12. High Road FAS Replacement Site on the Big Hole River – Endorsement. Joe Maurier, FWP Parks Division Administrator, explained that Fish, Wildlife & Parks entered into an agreement with the Hamilton Ranch in 1997 to develop the High Road FAS on their property at no cost to FWP. This FAS is on the Big Hole River west of Twin Bridges, approximately four miles upstream of its confluence with the Beaverhead River. In the spring of 2008, the river shifted and cut away the bank, leaving a sheer drop of 10-12 feet to the water. FWP has closed the site for safety reasons. The Hamilton Ranch has requested FWP's assistance in working with DNRC to complete a potential land exchange rather than rebuild the site. The exchange would trade DNRC land adjacent to the ranch headquarters for three to five acres of ranch property adjacent to other DNRC land across the river from the original FAS. The new FAS would require construction of an access road, parking area, boat ramp and vault latrine. This would be an agreement and not a fee title purchase.

Action: Vermillion moved and Doll seconded the motion to direct the Department to continue work on the proposed acquisition or lease option with Hamilton Ranch to replace the High Road FAS on the Big Hole River.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

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Joe Maurier stated that negotiations with the Lincoln Ranch are continuing. Director Hagener said a closing date should be set soon. FWP continues to work with Rod Lincoln, who has visited with the Willow Rounds Ranch regarding his purchase of their adjacent land. FWP is in the process of finalizing a public right-of-way into the Lincoln property. That access will allow all means of public access but will limit the number of overnight campsites allowed.

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13. Open Microphone – Public Opportunity to Address Additional FWP Issues. There was none.

Action: Vermillion moved and Doll seconded the motion to adjourn. Motion carried.

Meeting adjourned at 9:25 a.m.

Shane Colton, Vice-Chairman

M. Jeff Hagener, Director